

April 27, 2009

From: Cheryl Morgan  
102 Hayward Rd.  
Pullman, WA. 99163  
(509-332-4741)

To: Harriet Beale  
DOE Lead for the Pullman/WSU Municipal Stormwater Permits

Re: Comments for the public record--Request by Pullman and WSU to roll back Stormwater Permit from its current third-year status to year one.

Dear Harriet:

I have been made aware by David Duncan that he is no longer my Eastern Regional DOE contact person for reporting water quality impairments created by urban stormwater runoff, thus he has provided me with your name as the person I am to contact.

I have lived my entire life of 66 years in the Pullman area. I have lived adjacent to the South Fork of the Palouse River (SFPR) for 61 years. My home and property is located within the lower reaches of the Hatley Creek Basin.

I have been an active participant in Watershed Management of the Palouse Basin for the last 12 years. Mr. Duncan has been the only DOE staff member who has ignored the historical games of politics between DOE, Pullman and WSU when enforcing local accountability for continued significant water quality impairments to the SFPR and its tributaries created by urban stormwater runoff. Needless to say, I am very disappointed Mr. Duncan is no longer my contact person.

The following are my comments in addressing the question whether DOE should roll back the status of the Stormwater Permit as requested by Pullman and WSU. **Definitely Not !!**

Harriet, I strongly request that you refer to my public comment letter (May 15, 2006) to the Formal Phase II Municipal Stormwater Permit for the Eastern Region. My comment letter clearly provides numerous enforceable mandates as set forth by the Clean Water Act and by Washington State Laws for water quality protection. These laws are "public welfare laws", to protect all people from the dangers of water pollution of our "State Waters". DOE is charged by both Washington State water quality laws and Federal water quality laws to protect the retention of waters within streams in sufficient **quantity** and **quality** to protect game fish, food fish, wildlife, stockwatering, and the public welfare.

### **WRIA-34 Plan for the Palouse Basin (Adopted Nov. 2007):**

The Plan clearly identified four areas of concern within the Palouse watershed: (1.) Insufficient water supply, **(2.) Poor water quality**, (3.) Loss of riparian and aquatic habitat, and (4.) Inadequate instream flows.

### **South Fork of the Palouse River TMDL :**

My first involvement in watershed planning began in **Dec. 1997**. The SFPR was listed on the May 1996 Federal Clean Water Act section 303(d) list as an impaired water body of the State of Washington, thus the SFPR Watershed Committee was formed. The SFPR water quality exceeded Washington State Standards for temperature, dissolved oxygen, fecal coliform, ammonia, pH, phosphorus, sediment, and habitat modifications.

In May of 2004 DOE began to conduct field studies to address various contaminants in Pullman/WSU stormwater runoff conveyance pipes (point source) outfalls to the SFPR and its tributaries. There are close to 100 non-permitted pipes located within the boundaries of Pullman and WSU draining into the SFPR and its tributaries. Many of these pipes are under water at all times of the year, making collection of data impossible.

In 2006, Ecology developed a Quality Assurance Project Plan for the SFPR Fecal Coliform (FC) Bacteria TMDL. Sampling at the end of stormwater conveyance pipes located within the City/WSU boundaries began in May 2006 and continued until May 2007.

**Storm event technical data collected for this TMDL has shown that storm runoff greatly increases FC bacteria pollution impairments of the water quality of the SFPR and its tributaries, thus primary contact by humans and animals are being placed at a [very] high risk of waterborne illnesses.**

### **Pullman and WSU want Relief of Timely Compliance because of Economics:**

Pullman and WSU have been active participants of watershed planning within the Palouse Basin just as I have. They simply have not taken a proactive approach in the protection of the water quality of the SFPR and its tributaries.

The City of Pullman has had a “Goal Setting” program for years. In Jan. 1998 Thomas F. Kingen, the City attorney, suggested that the City address financial solutions to stormwater flows. “Apparently, the way the City is currently approaching storm water drainage is on a case-by-case basis. This means that the general fund is bearing this expense and the property owners and the public who are benefiting from storm water drainage are not necessarily bearing a proportionate cost to their contribution or need for protection. ....**assess property owners for the cost of storm water, much the same way it does for sewer. This would be a separate utility and these fees would be used to manage, control, repair and maintain storm water facilities.**”

Needless to say, the City Council ignored the advice of their own legal council in taking a proactive financial approach for the management of urban stormwater flows, thus the City is now “crying the blues”.

**In Conclusion:**

The 1972 Federal Clean Water Act clearly states that “waste transport to our nation’s waters [shall] no longer be used as waste conveyance or treatment systems”.

Stormwater conveyance pipes located within the City of Pullman and WSU are having the known and documented effect of transforming the SFPR and its tributaries into urban utility systems to transport pollution, thus these pipes are in direct violation of the CWA.

The SFPR and its tributaries have been listed on the 303(d) list as impaired water bodies for [over] ten years. Technical data has determined that fecal levels are high coming from stormwater pipes located within the City and WSU boundaries, thus placing a high risk of waterborne illnesses to humans and animals.

Watershed Planning for the Palouse Basin has been ongoing for over 12 years. To date these publicly funded Plans do not provide enforcement of age old laws to protect the people and animals from documented conveyance of waterborne pollutants to the SFPR and its tributaries. These publicly funded Plans have proven to be nothing more than stall tactics by DOE in prolonging enforcement of age old mandated water quality laws, thus cumulative water quality impairments are of significance. **Plans are not enforceable, laws are!!!**

It is well past time for DOE to stop playing the political games with Pullman and WSU and do the job DOE is charged with, which is, to [enforce] **mandated** water quality laws as set forth by our Federal and State Governments. If DOE does not have the desire or capability of enforcing permit deadlines for the Pullman/WSU Stormwater Permit then perhaps it is time for EPA to take over the enforcement of these mandated laws.

I reserve all rights under state and federal law, and by submitting these comments and objections do not intend to imply to waive any rights nor should any such waivers be inferred.

Sincerely,

Cheryl Morgan

cc: EPA  
Governor Christine Gregoire

